WHEREAS it is expedient to make new provision with respect to dangerous or otherwise harmful drugs and for purposes connected therewith:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the House of Assembly of Bermuda, and by the authority of the same, as follows:

1. Interpretation

(1) In this Act, except in so far as the context otherwise requires,
"the Advisory Board"
means the Advisory Board on the Misuse of Drugs established under this Act:
"cannabis" (except in the expression "cannabis resin")
means any plant or part thereof within the botanically designated genus Cannabis but does not include any fibre produced from the stalk of the plant;
"cannabis resin"
means the separated resin, whether crude or purified, obtained from any plant of the genus Cannabis;
"controlled drug"
has the meaning assigned by section 3 of this Act;
"corresponding law"
has the meaning assigned by section 40 of this Act;
"dentist"
means a dental practitioner registered under the Dental Practitioners Act, 1950, and includes an exempted dental practitioner within the meaning of that Act;
"export"
means to take or to cause to be taken out of Bermuda by land, air or water;
"import"
means to bring or to cause to be brought into Bermuda by land, air or water;
"the Member"
means the Member of Executive Council responsible for health and welfare and related matters;
"pharmacist"
means a person registered under the Pharmacists Registration Act, 1928;
"physician"
means a medical practitioner registered under the Medical Practitioners Act, 1950, and includes an exempted medical practitioner within the meaning of that Act;
"practitioner" (except when preceded by the word "dental", "medical" or "veterinary")
means a physician, dentist or veterinary practitioner;
"prepared opium"
means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;
"prescribed"
means prescribed by regulations made by the Member under this Act;
"produce",
where the reference is to producing a controlled drug, means producing it by manufacture,
cultivation or any other method, and "production" has a corresponding meaning;
"supplying"
includes distributing;
"veterinary practitioner"
means a person who holds a certificate issued under section 8 of the Agriculture Act, 1930.
(2) References in this Act to misusing a drug are references to using it otherwise than as
authorized by or under this Act by taking; and the reference in the foregoing provision to the
taking of a drug is a reference to the taking of it by a human being by smoking, inhaling,
-ingesting or injecting it or any other form of self-administration, whether or not involving
assistance by another.
(3) For the purposes of this Act the things which a person has in his possession shall be taken
to include any thing subject to his control which is in the custody of another.
(4) A controlled drug shall be treated for the purposes of this Act as intended for supply
notwithstanding that, before it is supplied:
(a) it is to be, or is being or may be mixed with another controlled drug or some other
substance; or
(b) it is or may undergo a process of production or is undergoing such a process.
2. The Advisory Board on the Misuse of Drugs.
(1) There shall be constituted in accordance with Schedule 1 an Advisory Board on the
Misuse of Drugs (in this Act referred to as "the Advisory Board"); and the supplementary
provisions contained in that Schedule shall have effect in relation to the Board.
(2) It shall be the duty of the Advisory Board to keep under review the situation in Bermuda
with respect to drugs which are being or appear to them likely to be misused and of which the
misuse is having or appears to them capable of having harmful effects sufficient to constitute
a problem, and to give to the Member, where either the Board consider it expedient to do so
or they are consulted by the Member, advice on measures (whether or not involving alteration
of the law) which in the opinion of the Board ought to be taken for preventing the misuse of
such drugs or dealing with problems connected with their misuse, and in particular on
measures which in the opinion of the Board, ought to be taken:
(a) for restricting the availability of such drugs or supervising the arrangements for their
supply;
(b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for
securing the provision of proper facilities and services for the treatment, rehabilitation and
after-care of such persons;
(c) for promoting co-operation between the various professional and social services which in
the opinion of the Board have a part to play in dealing with social problems connected with
the misuse of such drugs;
(d) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to those dangers; and
(e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Board is of relevance for the purpose of preventing the misuse of such drugs or dealing with any problem connected with their misuse.

(3) It shall also be the duty of the Advisory Board to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by the Member and to advise the Member thereon.

3. Controlled Drugs

(1) In this Act the expression "controlled drug" means any substance or product for the time being specified in Part I of Schedule 2 and the provisions of Part II of that Schedule shall have effect with respect to the meanings of expressions used in that Schedule.

(2) The Member may by order make such amendments in Schedule 2 as may be requisite for the purpose of adding any substance or product to, or removing any substance or product from, Part I of that Schedule.

(3) The Member shall not make any order under this section except after consultation with the Advisory Board.

(4) An order made in pursuance of this section shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the order.

Restrictions Relating to Controlled Drugs etc.

4. Importation and exportation of controlled drugs.

(1) Subject to subsection (2) it shall not be lawful for a person to:
(a) import a controlled drug; or
(b) export a controlled drug.

(2) Subsection (1) does not apply:
(a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph (a) or, as the case may be, paragraph (b) of subsection (1) by regulations under section 12; or
(b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Member and in compliance with any conditions attached thereto.

(3) Subject to section 29, it is an offence for a person to import or export a controlled drug in contravention of subsection (1).

5. Production and supply of controlled drugs.

(1) Subject to any regulations under section 12 for the time being in force, it shall not be lawful for a person:
(a) to produce a controlled drug; or
(b) to supply or offer to supply a controlled drug to another.
(2) Subject to section 29, it is an offence for a person:
(a) to produce a controlled drug in contravention of subsection (1); or
(b) to be concerned in the production of such a drug in contravention of that subsection by another.

(3) Subject to section 29, it is an offence for a person:
(a) to supply or offer to supply a controlled drug to another in contravention of subsection (1); or
(b) to be concerned in the supplying of such a drug to another in contravention of that subsection; or
(c) to be concerned in the making to another in contravention of that subsection of an offer to supply such a drug.

6. Possession of controlled drugs.

(1) Subject to any regulations under section 12 for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

(2) Subject to section 29, it is an offence for a person to have a controlled drug in his possession in contravention of subsection (1).

(3) Subject to section 29, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, which is intended, whether by him or some other person, for supply in contravention of section 5 (1).

7. Handling of controlled drugs.

(1) A person commits an offence if he knowingly handles a controlled drug which is intended, whether by him or some other person, for supply in contravention of section 5 (1).

(2) A person handles a controlled drug for the purposes of this section if:
(a) he is in any way concerned in carrying, removing, harbouring, keeping or concealing the controlled drug or anything containing the controlled drug; or
(b) he deals in any manner with the controlled drug.

8. Misuse of controlled drugs.

(1) It shall not be lawful for a person to misuse a controlled drug.

(2) Subject to section 29, it is an offence for a person to misuse a controlled drug in contravention of subsection (1).

9. Possession of pipes, equipment etc.

(1) It shall not be lawful for any person to have in his possession any pipe, equipment or apparatus fit and intended for use in connexion with the misuse of a controlled drug or the preparation of any such drug for misuse.

(2) Subject to section 29, it is an offence for a person to have in his possession a pipe, equipment or apparatus in contravention of subsection (1).

10. Acts preparatory to the importations, supply etc. of controlled drugs.

(1) It shall not be lawful for any person to do any act preparatory to the commission of an offence under section 4 (3) or 5 (3).
Subject to section 29, it is an offence for a person to do an act preparatory to the commission of an offence under section 4 (3) or 5 (3).

11. Cultivation of cannabis plant.

(1) Subject to any regulations under section 12 for the time being in force, it shall not be lawful for a person to cultivate any plant of the genus Cannabis.

(2) Subject to section 29, it is an offence to cultivate any such plant in contravention of subsection (1).


(1) The Member may by regulations:
(a) except from section 4 (1) (a) or (b), 5 (1) (a) or (b), or 6 (1) such controlled drugs as may be specified in the regulations; and
(b) make such other provision as he thinks fit for the purpose of making it lawful for persons to do things which under any of the following provisions of this Act, that is to say sections 5 (1), 6 (1) and 11 (1), it would otherwise be unlawful for them to do.

(2) Without prejudice to the generality of paragraph (b) of subsection (1), regulations under that subsection authorizing the doing of any such thing as is mentioned in that paragraph may in particular provide for the doing of that thing to be lawful:
(a) if it is done under and in accordance with the terms of a licence or other authority issued by the Member and in compliance with any conditions attached thereto; or
(b) if it is done in compliance with such conditions as may be prescribed.

(3) Subject to subsection (4), the Member shall so exercise his power to make regulations under subsection (1) as to secure:
(a) that it is not unlawful under section 5 (1) for a practitioner, acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a pharmacist, acting in his capacity as such, to manufacture, compound or supply a controlled drug; and
(b) that it is not unlawful under section 6 (1) for a practitioner or pharmacist to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(4) If in the case of any controlled drug the Member is of the opinion that it is in the public interest:
(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or
(b) for it to be unlawful for practitioners or pharmacists to do in relation to that drug any of the things mentioned in subsection (3) except under a licence or other authority issued by the Member,
he may by order designate that drug as a drug to which this subsection applies; and while there is in force an order under this subsection designating a controlled drug as one to which this subsection applies, subsection (3) shall not apply as regards that drug.
(5) An order made under subsection (4) shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the order.

(6) Copies of an order made under subsection (4) shall be laid before both Houses of the Legislature as soon as practicable after it is made; and if either House within three days after a copy of the order has been laid before it, being days on which the House has sat, requests by message to the Governor, that the order or any part thereof be annulled, the Governor shall as soon as may be, by notice in the Gazette, declare the order or such part thereof to be annulled; and as from the date of publication of the notice the order or such part thereof shall cease to have effect but without prejudice to anything done or suffered thereunder.

(7) The Member shall not make any order under subsection (4) except after consultation with or on the recommendation of the Advisory Board.

(8) References in this section to a person's "doing" things include references to having things in his possession.

13. occupiers etx. of premises etx. to be punishable for permitting certain activities to take place there.

(1) A person commits an offence if, being the owner, occupier or person in charge of or concerned in the management of any premises or place, he knowingly permits or suffers any of the following activities to take place on those premises or at that place, that is to say:
(a) producing or attempting to produce a controlled drug in contravention of section 5 (1);
(b) supplying or attempting to supply a controlled drug to another in contravention of section 5 (1) or offering to supply a controlled drug to another in contravention of section 5 (1);
(c) handling a controlled drug in contravention of section 7 (1);
(d) misusing any controlled drug or preparing any such drug for misuse.

(2) In this section "premises" includes a vessel, aircraft, vehicle, building, structure and enclosure whether movable or not.

Powers of Member for Preventing Misuse of Controlled Drugs

14. Power to make regulations for preventing misuse of controlled drugs.

(1) Subject to the provisions of this Act, the Member may by regulations make such provision as appears to him necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1), regulations under this section may in particular make provision:
(a) for regulating the importation of such controlled drugs as may be prescribed and for requiring precautions to be taken for the safe custody of controlled drugs;
(b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;
(c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed.
(d) for the inspection of any precautions taken or records kept in pursuance of regulations under this section;
(e) as to the packaging and labelling of controlled drugs;
(f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;
(g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;
(h) for requiring any physician who attends a person whom he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the regulations) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;
(i) for prohibiting any physician from administering, supplying and authorizing the administration and supply to persons so addicted, and from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Member in pursuance of the regulations.
(3) All records, reports, particulars and other information supplied in pursuance of the provisions of regulations made under this section shall be treated as confidential information by the prescribed authority and shall be used only for official purposes under the direction of the Member.

15. Power to direct special precautions for safe custody of controlled drugs to be taken at certain premises.
   (1) Without prejudice to any requirement imposed by regulations made in pursuance of section 14 (2) (a), the Member may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are kept on those premises.
   (2) It is an offence to contravene any directions given under subsection (1).

16. Directions prohibiting, prescribing, supply etc. of controlled drugs by practitioners etc. convicted of certain offences.
   (1) Where a person who is a practitioner or pharmacist has after the coming into operation of this subsection been convicted of an offence under this Act or under the Dangerous Drugs Act, 1936, the Member may give a direction under subsection (2) in respect of that person.
   (2) A direction under this subsection in respect of a person shall:
   (a) if that person is a practitioner, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing, compounding and supplying and from authorizing the administration and supply of such controlled drugs as may be specified in the direction;
(b) if that person is a pharmacist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Member may at any time give a direction cancelling or suspending any direction given by him under subsection (2), or cancelling any direction of his under this subsection by which a direction so given is suspended.

(4) The Member shall cause a copy of any direction given by him under this section to be served on the person to whom it applies, and shall cause notice of any such direction to be published in the Gazette.

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under subsection (2).

17. Directions prohibiting, prescribing, supply etc. of controlled drugs by practitioners in other cases.

(1) In the event of a contravention by a physician of regulations made in pursuance of paragraph (h) or (i) of section 14 (2), or of the terms of a licence issued under regulations made in pursuance of the said paragraph (i), the Member may, subject to and in accordance with section 18, give a direction in respect of the physician concerned prohibiting him from prescribing, administering and supplying and from authorizing the administration and supply of such controlled drugs as may be specified in the direction.

(2) If the Member is of the opinion that a practitioner is or has after the coming into operation of this subsection been prescribing, administering or supplying or authorizing the administration or supply of any controlled drugs in an irresponsible manner, the Member may, subject to and in accordance with section 18, give a direction in respect of the practitioner concerned prohibiting him from prescribing, administering and supplying and from authorizing the administration and supply of such controlled drugs as may be specified in the direction.

(3) A contravention such as is mentioned in subsection (1) does not as such constitute an offence, but it is an offence to contravene a direction given under subsection (1) or (2).

18. Investigation where grounds for a direction under s. 17 are considerer to exist.

(1) If the Member considers that there are grounds for giving a direction under subsection (1) of section 17 on account of such a contravention by a physician as is there mentioned, or for giving a direction under subsection (2) of that section on account of such conduct by a practitioner as is mentioned in the said subsection (2), he shall refer the case to a tribunal constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the tribunal to consider the case and report on it to the Member.

(2) In this Act "the respondent", in relation to a reference under this section, means the physician or other practitioner in respect of whom the reference is made.

(3) Where:
(a) in the case of a reference relating to the giving of a direction under the said subsection (1), the tribunal finds that there has been no such contravention as aforesaid by the respondent or finds that there has been such a contravention but does not recommend the giving of a direction under that subsection in respect of the respondent; or
(b) in the case of a reference relating to the giving of a direction under the said subsection (2), the tribunal finds that there has been no such conduct as aforesaid by the respondent or finds that there has been such conduct by the respondent but does not recommend the giving of a direction under the said subsection (2) in respect of him,
the Member shall cause notice to that effect to be served on the respondent.

(4) Where the tribunal finds:
(a) in the case of a reference relating to the giving of a direction under the said subsection (1), that there has been such a contravention as aforesaid by the respondent; or
(b) in the case of a reference relating to the giving of a direction under the said subsection (2), that there has been such conduct as aforesaid by the respondent,
and considers that a direction under the subsection in question should be given in respect of him, the tribunal shall include in its report a recommendation to that effect indicating the controlled drugs which it considers should be specified in the direction or indicating that the direction should specify all controlled drugs.

(5) Where the tribunal makes such a recommendation as aforesaid, the Member, after considering the recommendation of the tribunal, may:
(a) give in respect of the respondent a direction under subsection (1) or, as the case may be, subsection (2) of section 17 specifying all or any of the controlled drugs indicated in the recommendation of the tribunal; or
(b) order that no further proceedings shall be taken in the case.

19. Provisions supplementary to s.18

(1) The provisions of Schedule 3 shall have effect with respect to the constitution and procedure of the tribunal appointed for the purposes of section 18, and with respect to the other matters there mentioned.
(2) The Member shall cause a copy of any order or direction made or given by him in pursuance of section 18 (5) to be served on the person to whom it applies and shall cause notice of any such direction to be published in the Gazette.
(3) The Member may at any time give a direction cancelling or suspending any direction given by him in pursuance of section 18 (5) or cancelling any direction of his under this subsection by which a direction so given is suspended and shall cause a copy of any direction of his under this subsection to be served on the person to whom it applies and notice of it to be published as aforesaid.
A direction given under section 17 (1) or (2) or under subsection (3) shall take effect when a copy of it is served on the person to whom it applies.

20. Power to obtain information from practitioners, pharmacists etc. in certain circumstances.

(1) If it appears to the Member that there exists a problem caused by the extensive misuse of controlled drugs he may by notice in writing served on any practitioner or pharmacist require him to furnish to the Member, with respect to any controlled drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs: (a) in the case of a practitioner, were prescribed, administered or supplied by him; or (b) in the case of a pharmacist, were supplied by him.

(2) A notice under this section may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a pharmacist may require him to furnish the names and addresses of practitioners on whose prescriptions any controlled drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any controlled drug has been prescribed, administered or supplied.

(3) A person commits an offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirement to which he is subject by virtue of subsection (1).

(4) A person commits an offence if in purported compliance with a requirement imposed under this section he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

Miscellaneous Offences and Powers

21. Miscellaneous offences.

(1) It is an offence for a person to contravene any regulations made under this Act other than regulations made in pursuance of section 14 (2) (h) or (i).

(2) It is an offence for a person to contravene a condition or other term of a licence issued under section 4 or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of section 14 (2) (i).

(3) A person commits an offence if, in purported compliance with any obligation to give information to which he is subject under or by virtue of regulations made under this Act, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(4) A person commits an offence if, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Act or under any regulations made under this Act, he: (a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or
22. Assisting in or inducing outside Bermuda commission of an offence punishable under a corresponding law.

A person commits an offence if in Bermuda he assists in or induces the commission in any place outside Bermuda of an offence punishable under the provisions of a corresponding law in force in that place.

23. Offences by corporations.

Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

24. Further powers to make regulations.

The Member may by regulations make provision:

(a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence;
(b) for applying any of the provisions of sections 18 and 19 and Schedule 3, with such modifications (if any) as may be prescribed:
   (i) in relation to any proposal by the Member to give a direction under section 16 (2); or
   (ii) for such purposes of regulations under this Act as may be prescribed;
(c) for the application of any of the provisions of this Act or regulations or orders thereunder to servants or agents of the Crown, subject to such exceptions, adaptations and modifications as may be prescribed;
(d) for the establishment, regulation and administration of treatment and rehabilitation centres for the detention, education and treatment of persons addicted to controlled drugs;
(e) generally for the better carrying out of the provisions of this Act and for prescribing anything which is to be or may be prescribed.


(1) A police officer or other person authorized in that behalf by a general or special order of the Commissioner of Police shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a police officer has reasonable grounds to suspect that any person is in possession of an article liable to seizure, the police officer may, without warrant,
   (a) search that person, and detain him for the purpose of searching him;
(b) search any vehicle or vessel in which the police officer suspects that an article liable to seizure may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;
(c) seize and detain anything which appears to the police officer to be an article liable to seizure:
Provided that the onus of proving the reasonableness of the police officer's grounds of suspicion shall lie on the police officer.

(3) If a magistrate or justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that there is in any place or premises an article liable to seizure, he may grant a search warrant authorizing any police officer named in the warrant, at any time within one month from the date of the warrant, to enter, if need be by force, the place or premises named in the warrant and to search the place or premises and any persons found therein and to seize and detain anything which appears to the police officer to be an article liable to seizure.

(4) No female shall be searched under this section except by a woman police officer.

(5) The power of search under this section shall extend to any receptacle or other article then in the possession of the person being searched and subsection (4) shall not apply to any such receptacle or article not being part of the wearing apparel of the female at the time of the search.

(6) A person commits an offence if he:
(a) intentionally obstructs a person in the exercise of his powers under this section; or
(b) conceals from a person acting in the exercise of his powers under subsection (1) any such books, documents, stocks or drugs as are mentioned in that subsection; or
(c) without reasonable excuse (proof of which shall lie on him) fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his powers under that subsection.

(7) In this section, 
"articles liable to seizure" means:
(a) any controlled drug in respect of which an offence is being or has been committed;
(b) any money or thing liable to forfeiture under this Act;
(c) any thing which is or contains evidence of an offence under this Act or a corresponding law.

(8) Any controlled drug in respect of which an offence under this Act is being or has been committed shall, with effect from the seizure thereof, be forfeited to the Crown.

(9) Nothing in this section shall prejudice any power of search or any power to seize or detain property which is exercisable by a police officer apart from this section.
(1) A police officer may arrest without warrant a person who has committed, or whom the police officer, with reasonable cause, suspects to have committed, an offence under this Act.

(2) This section shall not prejudice any power of arrest conferred by law apart from this section.

27. Prosecution and punishment of offenders.

(1) A person guilty of an offence under section 4, 5, 6 (3), 7, 8, 9, 10, 11, 13, 16 (6), 17 (3) or 22 shall be liable:

(a) on conviction on indictment, to a fine or imprisonment for a term not exceeding twenty years, or both; and

(b) on summary conviction, to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding three years, or both.

(2) A person guilty of an offence under section 6 (2) shall be liable:

(a) on conviction on indictment, (i) for a first offence, to a fine or imprisonment for a term not exceeding five years, or both; (ii) for a second or subsequent offence, to a fine or imprisonment for a term not exceeding ten years, or both; and

(b) on summary conviction, to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months, or both.

(3) A person guilty of an offence under section 15 (2), 20 (4), 21 or 25 (6) shall be liable:

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both; and

(b) on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or both.

(4) A person guilty of an offence under section 20 (3) or 36 (2) shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

(5) Notwithstanding anything in section 452 of the Criminal Code summary proceedings for an offence under this Act may be commenced at any time within twelve months from the time when the offence was committed.

(6) Without prejudice to the provisions of this section, where a person is convicted of an offence under section 5, 6, 7 or 8 and it appears to the court that he is addicted to or dependent upon, or, in the opinion of the court, is likely to become addicted to or dependent upon, any controlled drug, the court may, in addition to or in lieu of any sentence which may be imposed in pursuance of the preceding provisions of this section, order him to be detained for the purpose of care and treatment for such period, not exceeding six months, as the court may determine in a treatment and rehabilitation centre established by regulations made under section 24; and if, at the termination of such period, the court is satisfied, on the recommendation of a physician, that the convicted person would benefit from a further period of detention, it may order the convicted person to be detained for the purpose of care and treatment for such further period not exceeding six months as it thinks fit.
(7) For the purposes of any Act relating to appeals an order made under subsection (6), shall be a sentence imposed by the court.

(8) The provisions of section 54 of the Criminal Code shall not have effect to limit the amount of a fine under this section.

28. Punishment for attempts etc. to commit offences.
Notwithstanding anything in the Criminal Code, a person who attempts to commit an offence under this Act or solicits, incites, procures or conspires with another to commit an offence under this Act shall be liable to the same punishment as is provided for that offence.

29. Proof of lack of knowledge etc. to be a defence in proceedings for certain offences.

(1) This section applies to offences under any of the following provisions of this Act, that is to say sections 4 (3), 5 (2) and (3), 6 (2) and (3), 8 (2), 9 (2), 10 (2) and 11 (2).

(2) Subject to subsection (3), in any proceedings for an offence to which this section applies it shall be a defence for the accused to prove that he neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged.

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the accused:

(a) shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance or product in question was the particular controlled drug alleged; but

(b) shall be acquitted thereof:

(i) if he proves that he neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug; or

(ii) if he proves that he believed the substance or product in question to be a controlled drug, or a controlled drug of a description, such that, if it had in fact been that controlled drug or a controlled drug of that description, he would not at the material time have been committing any offence to which this section applies.

(4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section.

Evidence

30. Certificate of corresponding law.
A document purporting to be issued by or on behalf of the government of a country and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in proceedings for an offence under this Act before any court, on its production by the prosecution without further proof, and such document shall be conclusive evidence:

(a) that it is issued by or on behalf of the government of that country;

(b) that the terms of such law are as stated in the document;
(c) that any facts stated in the document to constitute an offence under such law do constitute such offence.

31. Evidence of analyst by certificate.

(1) Without prejudice to the provisions of section 29 of the Evidence Act, 1905, but subject to subsection (2), in any proceedings for an offence under this Act a certificate in the prescribed form purporting to be signed by an authorized analyst and certifying any substance specified in the certificate to be a controlled drug or to contain such proportion of a controlled drug as may be so certified shall, on its production by the prosecution, without further proof, be "prima facie" evidence of the matters so certified and of the qualification of the analyst.

(2) Subsection (1) shall not apply to a certificate tendered on behalf of the prosecution:
   (a) unless a copy thereof has been served on the accused not less than ten days before the trial; or
   (b) if the accused not less than five days before the trial has served notice on the prosecution requiring the attendance at the trial of the person by whom the certificate was signed.

(3) In this section "authorized analyst" means a person authorized by the Member by notice in the Gazette to analyse any substance for the purposes of this Act.

32. Presumptions of possession and knowledge of controlled drug.

(1) Without prejudice to any other provision of this Act:
   1. where it is proved that a person imported anything containing a controlled drug it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;
   2. where it is proved that a person had in his possession or custody or under his control anything containing a controlled drug, it shall be presumed until the contrary is proved, that such person was in possession of such drug;
   3. where it is proved that a person supplied to any other person anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such first-mentioned person knew that such drug was contained in such thing;
   4. where it is proved that a person handled, within the meaning of section 7, anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;
   5. where it is proved that a person had in his possession or custody or under his control:
      (i) any document of title relating to anything containing a controlled drug; or
      (ii) any other document or written or printed matter including a dock warrant, warehouse warrant or order, baggage receipt or baggage claim, relating to anything containing a controlled drug,
      it shall be presumed, until the contrary is proved, that such person was in possession of such drug.

(2) The presumptions provided by this section shall not be rebutted by proof that a person never had physical possession of the controlled drug.
The presumptions provided by this section shall not be construed as requiring the prosecution to prove any fact which, by virtue of any other provision of this Act, the prosecution does not have to prove.

33. Presumptions relating to places used for drug misuse.

(1) Whenever any pipe, equipment or apparatus fit and intended for use in connexion with the misuse of a controlled drug is found in any premises or place it shall be presumed, until the contrary is proved, that such premises or place is used for the propose of misusing a controlled drug.

(2) Any person who is in or is found escaping from any premises or place used for the purpose of misusing a controlled drug shall, until the contrary is proved, be presumed to have been misusing a controlled drug therein.

Miscellaneous and Supplementary Provisions

34. Service of documents.

(1) Any notice or other document required or authorized by any provision of this Act to be served on any person may be served:

1. by delivering it to the person on whom it is to be served;

2. by sending it by prepaid post addressed to that person at his usual or last known place of abode; or

3. in the case of a body corporate by delivering it or sending it by prepaid post to the secretary or clerk of that body at its registered office or other place of business.

(2) Service effected by delivery pursuant to paragraph (a) or (c) of subsection (1) shall have effect as from the time of delivery.

(3) Service effected otherwise than by delivery shall be deemed to have effect three days after the steps taken pursuant to any of the provisions of subsection (1) have been taken, unless and to the extent that the contrary is proved.

35. Licences and authorities.

A licence or other authority issued by the Member for purposes of this Act or of regulations made under this Act may be, to any degree, general or specific, may be issued on such terms and subject to such conditions (including, in the case of a licence, the payment of a prescribed fee) as the Member thinks proper, and may be modified or revoked by him at any time.

36. Chemical tests and handwriting.

(1) Any police officer not below the rank of inspector may require any person whom he reasonably suspects to be guilty of an offence under this Act:

(a) to have his finger nails pared and his hands washed in water for the purpose of analysis of such finger nails and water; or

(b) to give a specimen of his handwriting for the purpose of comparison.

(2) Any person who fails to comply with a requirement under subsection (1) shall be guilty of an offence.

37. Forfeiture of articles etc. used in connexion with offence.
(1) A court may (whether or not any person has been convicted of such offence) order to be forfeited to the Crown:

(a) any money or thing (other than premises, a ship exceeding two hundred and fifty gross tons or an aircraft) which has been used in the commission of or in connexion with an offence under this Act; and
(b) any money or other property received or possessed by any person as the result or product of an offence under this Act.

(2) An order under subsection (1) for the forfeiture of a thing may include a term permitting a specified person to redeem such thing on such conditions, including conditions as to the payment of the value or a proportion of the value thereof to the Crown, as the court may think fit.

(3) No order shall be made under this section unless the court has given notice to any person appearing to the court to have an interest in or right over the money, property or thing in question that an order may be made and such person is given an opportunity to show cause why the order should not be made.

38. General provisions as to regulations.

(1) Regulations made by the Member under any provisions of this Act:

(a) may make different provision in relation to different controlled drugs, different classes of persons, different provisions of this Act or other different cases or circumstances; and
(b) may make the opinion, consent or approval of a prescribed authority or of any person authorized in a prescribed manner material for purposes of any provision of the regulations; and
(c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Member.

(2) The Member shall not make any regulations under this Act except after consultation with the Advisory Board.

(3) Regulations made under this Act shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulations.

(4) Copies of regulations made under this Act shall be laid before both Houses of the Legislature as soon as practicable after they are made; and if either House, within three days after a copy of such regulations has been laid before it, being days on which that House has sat, requests, by message to the Governor that the regulations or any part thereof be annulled, then the Member shall, as soon as may be, by notice in the Gazette declare the regulations or such part thereof to be annulled; and as from the date of publication of the notice the regulations or such part thereof shall cease to have effect but without prejudice to anything done or suffered thereunder.
The Member may conduct or assist in conducting research into any matter relating to the misuse of dangerous or otherwise harmful drugs.

40. Meaning of corresponding law.

In this Act the expression "corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Bermuda to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30 March 1961, or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and Her Majesty's Government in the United Kingdom are for the time being parties and which extends to Bermuda.

41. Repeal of No.36 of 1936.

As from the coming into operation of this section the Dangerous Drugs Act, 1936, shall be repealed.

42. Transitional provisions.

Without prejudice to the provisions of section 15 of the Interpretation Act, 1951, the following transitional provisions shall have effect:

(a) as from the coming into operation of section 4 any import or export authorization granted for the purpose of section 21 or 22 of the Dangerous Drugs Act, 1936, shall have effect as if it were a licence granted for the purposes of section 4 (2) of this Act; and

(b) the Member may at any time before the coming into operation of section 16 give a direction under subsection (2) of that section in respect of any practitioner or pharmacist whose general authority under the Dangerous Drugs (Section 15 Drugs) Regulations, 1970, is for the time being withdrawn; but a direction given by virtue of this paragraph shall not take effect until section 16 comes into operation, and shall not take effect at all if the general authority of the person concerned is restored before that section comes into operation.

43. Commencement.

This Act shall come into operation on such date or dates as the Governor may by notice in the Gazette appoint, and different dates may be appointed under this section for the coming into operation of different provisions of this Act.

SCHEDULES

SCHEDULE 1

Section 2

CONSTITUTION ETC. OF ADVISORY BOARD ON THE MISUSE OF DRUGS

1. The Advisory Board shall consist of not less than nine members, each of whom shall be appointed by the Member by notice published in the Gazette.

2. Any person appointed to be a member of the Advisory Board shall hold office during the Member's pleasure and, unless his appointment is earlier terminated, it shall be deemed to terminate three years from the date on which such appointment took effect.

3. There shall be a Chairman and Deputy Chairman of the Advisory Board, each of whom shall be appointed by the Member from among the members of the Board and each of whom shall hold office as such during the Member's pleasure.
4. The Advisory Board shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or any other member.
5. The Advisory Board shall have power to co-opt to the Board or any committee thereof any person whom they consider able to assist in their deliberations on any matter and any person so co-opted shall to all intents and purposes be a member for so long as he is co-opted, save that such person shall have no vote and shall not be counted for the purpose of constituting a quorum.
6. The Advisory Board shall meet as often as the Chairman deems necessary or expedient for the performance of their functions.
7. At any meeting of the Advisory Board five members shall constitute a quorum.
8. Any meeting of the Advisory Board shall be presided over by:
   (a) the Chairman;
   (b) in the absence of the Chairman, the Deputy Chairman; or
   (c) in the absence of both the Chairman and Deputy Chairman, such member of the Board as the members present elect to act as chairman at that meeting.
9. Every question or matter to be determined by the Advisory Board at any meeting shall be decided by a majority of the votes of the members present and voting on that question or matter:
   Provided that in the event of an equal division of votes on any question or matter the person presiding at the meeting may give a second or casting vote.
10. Subject to the provisions of the foregoing paragraphs the Advisory Board shall have power to regulate their own procedure.
11. The Advisory Board shall submit a report to the Member at such intervals as the Member may direct.
12. Fees shall be paid to members of the Advisory Board in accordance with the provisions of the Government Authorities (Fees) Act, 1971, as if the Board were included in Part III of the First Schedule to that Act.

SCHEDULE 2
Section 3
PART I

1. The following substances and products, namely:

<table>
<thead>
<tr>
<th>Acetorphine</th>
<th>Dimepeptanol</th>
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</thead>
<tbody>
<tr>
<td>Acetyldihydrocodeine</td>
<td>Dimethylthiambutene</td>
</tr>
<tr>
<td>Allylprodine</td>
<td>Dioxaphetyl butyrate</td>
</tr>
<tr>
<td>Alphacetylmethadol</td>
<td>Diphenoxylate</td>
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<tr>
<td>Alphameprodine</td>
<td>Dipipanone</td>
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<tr>
<td>Alphamethadol</td>
<td>Ecgonine, and any derivative of ecgonine which is</td>
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<tr>
<td>Drug</td>
<td>Convertible to ecgonine or to cocaine</td>
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<tr>
<td>Alphaprodine</td>
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<tr>
<td>Amphetamine</td>
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<td>Anileridine</td>
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<tr>
<td>Barbituric acid</td>
<td>Ethylmethylthiambutene</td>
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<td>(3 ethylmorphine)</td>
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<td>Benzylmorphine</td>
<td>Etonitazene</td>
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<tr>
<td>(3-benzyl-morphine)</td>
<td>Etorphine</td>
</tr>
<tr>
<td>Betacetymethadol</td>
<td>Etoxeridine</td>
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<tr>
<td>Betameprodine</td>
<td>Fencamfamin</td>
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<tr>
<td>Betamethadol</td>
<td>Fentanyl</td>
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<td>Betaprodine</td>
<td>Furethidine</td>
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<td>Bezitramide</td>
<td>Hydrocodone</td>
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<tr>
<td>Bufotenine</td>
<td>Hydromorphinol</td>
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<td>Cannabinol, except where contained in cannabis or cannabis resin</td>
<td>Hydromorphone</td>
</tr>
<tr>
<td>Hydroxypethidine</td>
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</tr>
<tr>
<td>Isomethadone</td>
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<td>Cannabinol derivatives</td>
<td>Ketobemidone</td>
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<tr>
<td>Cannabis and cannabis resin</td>
<td>Levomethorphan</td>
</tr>
<tr>
<td>Chlorphenetermine</td>
<td>Levomoramid</td>
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